

REMARKS

As a preliminary matter, Applicants thank the Examiner for making the references submitted in the Information Disclosure Statement (IDS) and Supplemental IDS of record and returning the initialed forms to the undersigned attorney.

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claims 14-17 are pending in the subject application. Claim 14 is independent. As set forth above, claim 14 is now amended. The claim now recites, in part, that the composition is for enhanced promotion of neuronal survival. Support for the language is found, in part, at page 1, lines 4-8 and page 10, lines 17-19, of the International Application (as published as WO 2004/064844) from which the present U.S. application derives. Claim 14 is also now amended to replace “tetrafluorobenzyl derivative” with specific chemical compounds. Support for the language is found, in part, at page 8, lines 18-23 of the International Application. Claim 16 is amended for consistency with amended claim 14 from which it depends. No new subject matter has been added by the amendments. Claims 14-17 as amended are now pending in the subject application.

In the Office Action dated June 9, 2008, claims 14-17 were rejected under 35 U.S.C. § 101 respecting the utility recited in claim 14 (and thus claims 15-17 which depend therefrom). In particular, the language “preventing neuronal cell death” in claim 14 is objected to. This rejection is respectfully traversed.

Applicants respectfully disagree that this language was intended to encompass neuronal cell death due to normal aging. Nevertheless, in order to increase the clarity of the invention as presently claimed, as set forth above claim 14 has been amended to recite that the claimed composition is for enhanced promotion of neuronal survival. This utility is supported by the subject application (e.g., Example 10 and Figure 16). This utility of amended claim 14 does not require that there be no naturally occurring loss of individual neurons.

Therefore, it is believed that the rejection of claims 14-17 under 35 U.S.C. § 101 has been overcome. Reconsideration and withdrawal of this rejection are respectfully requested.

In the Office Action, claims 14-17 were rejected under 35 U.S.C. § 112, first paragraph. It is stated that one skilled in the art would not know how to use the invention as it had been claimed with the recited utility of “preventing neuronal cell death”. This rejection is respectfully traversed.

As set forth above, claim 14 (and thus claims 15-17 which depend therefrom) has been amended to delete “preventing neuronal cell death”. Since the presently claimed invention is supported by a credible asserted utility, one skilled in the art would know how to use the claimed invention. Further, enhanced promotion of neuronal survival does not require that a decrease in neuronal survival induced by a neurotrophin be completely obviated. Accordingly, it is respectfully submitted that one skilled in the art, when in possession of the disclosure of the subject application and the general knowledge in the field, would be enabled within the meaning of Section 112, first paragraph, to make and use the presently claimed invention.

Therefore, it is believed that this rejection of claims 14-17 under 35 U.S.C. § 112, first paragraph, has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, it is stated in numbered paragraph 4 at pages 3-4 that, should Applicants amend the claims to remove the recitation “preventing neuronal cell death”, claims 14-17 would then be rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the language “a tetrafluorobenzyl derivative” is objected to on the basis of allegedly insufficient written description being provided in the specification of the subject application.

As set forth above, the recitation “preventing neuronal cell death” has been removed from the pending claims. Accordingly, while Applicants respectfully disagree that the term “a tetrafluorobenzyl derivative” is not described in the subject specification sufficiently within the meaning of Section 112, first paragraph, nevertheless in order to expedite allowance of preferred embodiments of the invention, claim 14 has been amended as set forth above. It is noted that the Office Action (at page 4) acknowledges that these preferred embodiments are described in the subject specification.

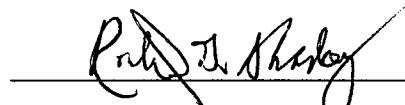
Therefore, it is believed that the possibility of applying the above postulated rejection has been rendered moot.

Therefore, in light of the amendments and remarks set forth above, Applicants believe that all the Examiner's rejections have been overcome. Reconsideration and allowance of the now pending claims (14-17) are respectfully requested. If there is any further matter requiring attention prior to allowance of the subject application, the Examiner is respectfully requested to contact the undersigned attorney (at 206-622-4900) to resolve the matter.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC



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